



State of Maryland
Department of State Police
Government Affairs Section
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POSITION ON PROPOSED LEGISLATION

DATE: March 1, 2022

BILL NUMBER: House Bill 429 **POSITION:** Letter of Information

BILL TITLE: Public Safety – Law Enforcement Agencies – Body-Worn Cameras

REVIEW AND ANALYSIS:

This legislation seeks to expand the mandatory use of body-worn cameras by law enforcement officers to include off duty officers, when carrying an agency issued firearm, and on duty officers in plain clothes. A law enforcement agency shall issue a body-worn camera (BWC) to a law enforcement officer required to use a body-worn camera specified in this legislation.

During the 2021 legislative session, the Maryland General Assembly passed legislation that required law enforcement agencies to implement the use of body-worn cameras and required agencies to adopt model policies established by the Police Training and Standards Commission which included when the cameras were to be activated and who was to wear them. Current law allows the Chief/Sheriff to determine, through policy, who would be required to use a BWC.

By the nature of their position, all police officers interact with members of the public. They do so in different capacities, i.e. patrol, investigative, undercover, etc. House Bill 429 requires every police officer to wear a BWC regardless of assignment. It even goes so far as to require off duty officers carrying an agency issued firearm to wear a BWC. These requirements are burdensome and expensive for the police agency that is trying to prioritize resources. The mandate in the bill also impacts the safety of the officer both undercover and off duty officer. Adding a visible BWC to the outermost garment would identify the person as a police officer and jeopardize their safety and potential investigation.

Law enforcement officers are authorized to carry a firearm while off-duty, by both Maryland and federal law. It is recognized that the presence of an armed off-duty police officer further provides for the safety of all citizens. Requiring an officer to wear and activate the body-worn camera while off-duty could violate the privacy of all those he encounters.